

**REMARKS**

Claims 5-10, and 15 and 16 are all the claims pending in the application. Claims 5-10, 15 and 16 are rejected. Applicant respectfully traverses the prior art rejections based on the following discussion.

**I. The Prior Art Rejections**

Claims 5-16 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Jurek ("Jurek")(U.S. Patent No. 4,069,607). Claim 10 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Jurek as applied to the above claim.

**A. The Rejection Based on Jurek**

Applicant met with the Examiner on 21 August 2009, to discuss the invention in view of the Jurek reference. Consistent with the Interview Summary of 21 August 2009, the parties agree that the above change to independent claim 5 distinguishes the invention from Jurek. The Application should be in condition for allowance but for any new references. Briefly, the amended claim reflects that Jurek includes an inertia firing pin associated with a rectangular recess 63 and a planar peripheral surface where a recess for contact with a guide rail 56 is situated intermediate the rectangular recess 63 and the planar peripheral surface, whereas Applicant's invention teaches that the arcuate peripheral surface extends without interruption from the planar peripheral surface to the rectangular recess.

Applicant provides the following comments. Regarding claim 5, Jurek fails to disclose, teach or suggest the features of independent claim 5, and related dependent claims 6-10, 15 and 16, including the arcuate peripheral surface of the tool head extends without interruption from the planar

peripheral surface to the rectangular recess. (See Application, Page 7, line 32-Page 8, line 12; Page 11, line 30-Page 12, line 19; and Figures 1-6).

Indeed, Figures 1-32 of Jurek merely teach a conventional universally fitting adapter system for a high power .22 caliber rifle providing for the firing of conventional .22 caliber rimfire ammunition in order to improve the malfunction rate. The system, in pertinent part, includes a bolt 52 with a bolt face 72, a rectangular notch 78 in the bolt 52 (what the Office Action appears to analogize to Applicant's rectangular recess), and a flat or planar surface situated opposite a protruding bolt feed lug 105. The rectangular notch 78 is oriented downward from the outer surface of the bolt so as to be parallel to the flat surface (as indicated in Figures 10, 13 and 14), which is opposite the feed lug 105. Accordingly, the rectangular notch 78 is somewhat opposite a spring loaded extractor lever not the flat surface. Importantly, Jurek further discloses a rectangular recess 63 and a planar peripheral surface with a recess for contact with a guide rail 56 situated intermediate. Based on this structural configuration, the unique double spring operated bolt catch actuating mechanism in the .22 caliber rimfire adapter magazine maintains the breech open after firing the last round from the magazine adapter. Therefore, and contrary to the assertion in the Office Action, this system is specifically designed for use on a .22 caliber rifle not as a rocket loading and unloading tool as claimed by Applicant. (See Office Action, Pages 3-7; and Jurek at Abstract; Column 1, lines 5-60; Column 2, line 63-Column 4, line 16; Column 7, line 30-Column 8, line 13; and Figures 1-32).

In contrast, and as discussed in the previous amendment of March 30, 2009, Figures 1-6 of Applicant's invention include a rocket tool 10 to load and unload a rocket 15 into a tube 17 where the rocket tool 10 maintains proper alignment and contact with the rocket 15, and does not slip off a surface of the rocket 15 like the conventional technology nor damage an end shield or igniter attachment of the rocket. In particular, the rocket tool 10, includes a tool head 11 and a handle 12. The

tool head 11 includes an arcuate peripheral surface 65 having a shape conforming to a segment of a cylinder with a predetermined axis running the length of the cylinder, a planar peripheral surface 67 subtending the arcuate peripheral surface 65 and extending perpendicular to the arcuate peripheral surface 65, a forward axial end face 70 terminating both the arcuate peripheral surface 65 and the planar peripheral surface 67, and a rectangular recess 75. In addition, the rectangular recess 75 is defined by the tool head 11 and axially extends into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70. Further, the rectangular recess 75 radially extends openly inward from outside the arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis. Importantly, the arcuate peripheral surface 65 of the tool head extends without interruption from the planar peripheral surface 67 to the rectangular recess 75. (See Application, above).

Based on this structural configuration, a blast paddle 51 extends across the tube 17 and is situated in a transverse/second position 57 within the rectangular recess 75 with a rocket 15 in its initial position 26. Further, the tool head 11 is inserted into the tube 17 without the tool head engaging the paddle or stop 25, for urging the rocket into its final position 60 by engagement of a forward face 70 with rocket annular face 32, and without the tool 10 slipping from the annular surface and damaging the rocket. Therefore, the rectangular recess 75 provides the needed alignment of the rocket tool 10 so that a flat surface of the forward face 70 of the tool 10 pushes against the rocket motor 15 in a correct position in a rocket launcher, and thus prevents damage to the rocket motor end shield when loading the rocket. (See Application above).

For emphasis, Applicant discloses that the arcuate peripheral surface extends without interruption from the planar peripheral surface to the rectangular recess, whereas Jurek includes an inertia firing pin associated with a rectangular recess 63 and a planar peripheral surface where a recess

for contact with a guide rail 56 is situated intermediate the rectangular recess 63 and the planar peripheral surface.

Finally, this structural distinction is consistent with the focus of Applicant's invention to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Jurek is focused on a conventional universally fitting adapter system for a high power .22 caliber rifle providing for the firing of conventional .22 caliber, rimfire ammunition in order to improve the malfunction rate. An attempt to substitute Jurek's universal fitting adapter for a .22 caliber rifle for Applicant's open rectangular recess designed to permit easy insertion and removal of a blast paddle 51 would not be a compatible structure, and thus likely fail. (See above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Jurek structure.

Regarding the Claim 10 rejection, Applicant agrees with the Examiner that Jurek does not disclose the specific material, that is, the tool head is unitarily constructed of a material selected to dissipate static electricity.

Further, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. \_ (April 30, 2007), Jurek does not disclose, teach or suggest the features of independent claim 5, and related dependent claim 10, including the arcuate peripheral surface of the tool head extends without interruption from the planar peripheral surface to the rectangular recess. (See above).

Based on the above, the Applicant traverses the assertion that Jurek discloses or teaches Applicant's invention of independent claim 5, and related dependent claims 6-10, 15 and 16.

## II. Formal Matters and Conclusions

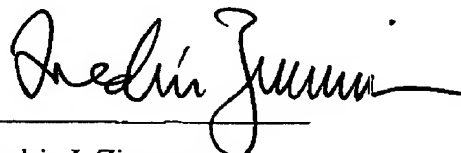
In view of the foregoing, Applicants submit that claims 5-10, 15 and 16, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

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